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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

129402.00101

In re Application of: Schulte et al.

Application No.: 10/511,656

Filed: April 18, 2005

For: MEANS AND METHODS FOR THE SPECIFIC INHIBITION OF GENES IN CELLS AND TISSUE OF THE CNS AND/OR EYE

The owner\*, ACUITY PHARMACEUTICALS, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/511,657, filed on April 18, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 53,835

Signature

July 24, 2008

Date

C. Allen Black

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412-454-5000

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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